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THE HARLESTON LAW FIRM, LLC

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FAX COVER SHEET

DATE: August 23, 2007

TO: Examiner Jessica L. Laux, Group Art Unit 3635

Fax: 571-273-8300 Voice: 571-272-8228

FROM: Kathleen M. Harleston

Fax: 843-971-9505 Voice: 843-971-9453

THIS IS PAGE ONE OF 11.

COMMENT:

Re: Patent Application No. 10/826,753

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PTO/SB/21 (04-07)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

10/826,753

Filing Date

June 12, 2004

First Named Inventor

Robert E. Oldman

Art Unit

3635

Examiner Name

Jessica L. Laux

Attorney Docket Number

3115

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Harleston Law Firm, LLC		
Signature	<i>Kathleen M. Harleston</i>		
Printed name	Kathleen M. Harleston		
Date	August 23, 2007	Reg. No.	33,398

CERTIFICATE OF TRANSMISSION/MAILING

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Kathleen M. Harleston

Typed or printed name

Kathleen M. Harleston

Date

August 23, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 3115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)	Examiner: Jessica L. Laux
ROBERT E. OIDTMAN)	Art Unit: 3635
Application No. 10/826,753)	
Filed April 16, 2004)	
For BRACKET AND POLE ASSEMBLY)	

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement interposed by the Examiner on July 23, 2007, Applicant elects with traverse to prosecute the claimed invention of Group I: Claims 28, 35, and 36. Applicant also requests reconsideration of the requirement that a species be elected for Group I ("combination"). However, if a species election is required, Applicant elects "Species II": heavy duty shaft wall is cylindrical. It is believed that the remaining claims/ "species" are held in abeyance until final disposition of the elected claims/ species. Claims 42-46 are new (see enclosed Preliminary Amendment); all of these new claims are believed to fall within Group I ("combination"). Of those, new Claims 43-45 are believed to be readable upon the elected "species".

The election is made with traverse, which reserves a right to petition. Applicants traverse this restriction/election requirement on the grounds that examination of the groups/species cited would not impose a serious burden on the Examiner. According to

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MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the groups/species listed on pages 2 and 3 of the Office action would not be appreciably more than the search required for only one of the groups/species. According to MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if the claims are considered to describe independent or distinct inventions. Applicant requests allowance of the claims.

Respectfully submitted,
The Harleston Law Firm, LLC

By: Kathleen M. Harleston

Kathleen M. Harleston
Attorney for Applicant
Registration No. 33,398

Date: August 23, 2007

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Certificate of Transmission

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